



29 APR 2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
DURAN, et al.

PCT No.: PCT/FR05/50119

Application No.: 10/590,197

Int. Filing Date: 23 February 2005

Priority Date: 24 February 2004

Atty. Docket No.: 294729US0PCT

For: SUBSTRATE SUCH AS GLASS SUBSTRATE
WITH A HYDROPHOBIC SURFACE AND
IMPROVED DURABILITY OF HYDROPHOBIC
PROPERTIES

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition Under 37 CFR § 1.47" filed 20 September 2007 in the United States Patent and Trademark Office (USPTO). In addition, this decision incorporates applicant's "Submission of Declaration And Power of Attorney" filed on 27 November 2007.

BACKGROUND

On 23 February 2005, applicant filed international application PCT/FR05/50119 which claimed priority to an earlier application filed 24 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2006.

On 22 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 20 April 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 20 September 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Maxine Duran accompanied by a

declaration executed by co-inventor Arnaud Huignard and a petition for a three-month extension of time and payment of the appropriate extension of time fee. With the filing of the extension of time petition and payment of the extension of time fee the response is considered timely filed.

On 27 November 2007, applicant filed a supplemental petition which included a declaration executed by co-inventor Maxine Duran.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

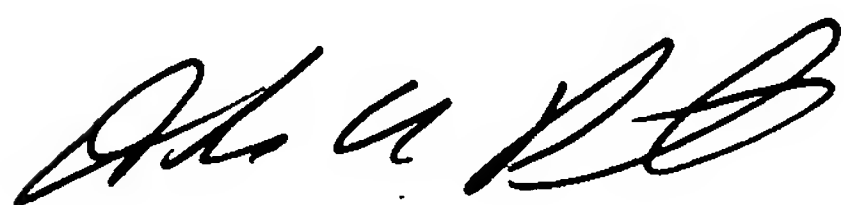
The petition filed 20 September 2007 was a proper and timely response to the Form PCT/DO/EO/905 mailed 20 April 2007. As noted above, applicant filed a declaration signed by co-inventor Duran on 27 November 2007 and therefore the petition is dismissed as moot. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED as moot.**

The application has an international filing date of 23 February 2005 under 35 U.S.C. 363, and will be given a date of **27 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459